

COORDINATING DRAFT**ANNEX C, APPENDIX 5
CLAIMS AND DAMAGE ASSESSMENT****I. PURPOSE**

After a radiological emergency, affected jurisdictions, individuals, and business will require and seek monetary assistance. Appropriate planning will minimize delays and expedite processing and resolution of such requests. This section describes the preparations needed to facilitate and expedite assistance to affected jurisdictions, individuals and businesses, to the extent possible, in filing claims against a fixed nuclear facility for damages.

II. ASSUMPTIONS

This section is based on the following assumptions

- A. The radioactive release will directly or indirectly result in damages to individuals and businesses.
- B. Injured parties will seek available assistance under local, state, and federal legislation.

III. CLAIMS AND ASSISTANCE

Timely claims filing and distribution of aid are extremely important to community and individual recovery. This function is best achieved by anticipating and planning for the administrative process involved, so that the administrative structure, resources, and procedures are in place to quickly request and distribute assistance. It will be helpful to set up one-stop claims and aid application centers where individuals can apply to several organizations at once, and to coordinate benefits. Representatives from local, state, and federal aid-supply agencies should be included, as well as representatives from private organizations and the American Red Cross. It may be desirable to provide space for insurance companies and/or any employers or employment services offering jobs to workers displaced by the emergency.

If a major disaster is declared, the Federal Emergency Management Agency (FEMA) may establish Disaster Assistance Centers (DACs) where individuals can register with, and obtain assistance from, representatives of federal, state, and local relief agencies as well as private and volunteer relief organizations. FEMA may also send mobile teams if the situation requires. Local planners should consider the following in their recovery plans.

- A. Establish procedures for developing and promulgating a Disaster Declaration.

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- B. Identify and make arrangements to locate, establish, and use DACs (i.e., vacant office buildings, community centers)
- C. Prepare an Individual and Family Assistance Applicants Center.
 - 1. Train staff in procedures and regulations associated with applying for individual and family assistance.
 - 2. Arrange for trained staff to explain the claims forms, information requirements, and the process to members of the public.
 - 3. Ensure that adequate supplies of forms will be available on short notice.
 - 4. Notify the public that DACs are available. Provide location and hours of operation.
- D. Prepare a Public Assistance Applicants Center
 - 1. Train staff in procedures and regulations associated with applying for public assistance grants.
 - 2. Develop procedures fore quick assessment of damages for public assistance funding.

IV. CLAIMS FOR COMPENSATION**A. Washington Nuclear Plant Number 2**

- 1. The Federal Government passed legislation, commonly referred to as the Price-Anderson Act. This Act allows the various insurance companies to form a syndicate insofar as providing insurance to the various Nuclear Regulatory Commission (NRC) licensees of commercial nuclear power plants. The Act was originally passed in 1957 and serves two purposes.
 - a. To insure reasonable and prompt compensation t persons sustaining injury or property damage in the event of a nuclear accident.
 - b. To encourage private sector participation in the commercial development of nuclear power by limiting the financial liability of those involved.
- 2. The Price-Anderson Act commits to payment of damages because of bodily injury, property damage, or as covered environmental cleanup costs because of environmental damage caused by the nuclear energy hazard. President Reagan extended coverage to the year 2003 with the signing of PL 100-408. It also expanded

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the level of coverage to seven billion dollars. The following definitions apply.

- a. Bodily Injury--as sickness or disease, including death resulting therefrom, sustained by any person.
 - b. Property Damage--physical injury to or destruction or radioactive contamination of property, and loss of use of property so injured, destroyed or contaminated, and loss of use of property while evacuated or withdrawn from use because possibly so contaminated or because of imminent danger of such contamination.
3. In the event of a major incident (General Emergency), the insurance syndicate, American Nuclear Insurance, would establish office(s), normally within 48 hours, in the near vicinity of the affected plant. As soon as the office is established, telephone numbers and location would be broadcast. Members of the affected public could come to the office, fill out claims and receive and initial cash allowance until the reentry/recovery process is complete and the claim finalized.

B. United States Department of Energy-Richland Operations (USDOE-RL)

1. An emergency may lead to additional living expenses, loss of farm or business income, or physical property damage. The federal government requires that nuclear facilities (Fast Flux Test Facility, 100 Area, 200 Area, 300 Area) compensate the public for economic loss caused by a radiological accident.
2. If there is an emergency, announcements would be made on the types of assistance programs that would be available and procedures for obtaining assistance or filing a claim for damages or loss.
3. The Price Anderson Act (PAA) [as amended] covers legal liability rising out of or resulting from a nuclear incident or precautionary evacuation.
4. It is assumed that either USDOE or the NRC would declare an Extraordinary Nuclear Occurrence (ENO) as part of the process to invoke the PAA.
5. If an ENO is declared, then discussion and burden of proving fault is waived. Statute of limitations is extended to 3 years from occurrence.

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6. Priorities for PAA are reimbursement for costs involved from evacuation or precautionary evacuation (temporary housing, food, medical, transportation, lost wages, and lost revenues).
7. PAA may pay for claims due to contamination. Crops and foodstuffs should meet the federal definition of contamination.
8. Claims for loss of value due to contamination, decontamination costs, and indirect losses will be administered and decided upon by a federal judge.
9. Under the Stafford Act-Emergency Declaration, FEMA could provide funds for temporary housing or home repair funds.
10. The PAA or liable party would be expected to provide for environmental cleanup and reimburse present real estate value if property is deemed uninhabitable.
11. PAA does not provide for reimbursement for costs incurred by offsite authorities.
12. Under the Stafford Act, FEMA can provide advisory services to offsite authorities. In some cases, financial assistance could be provided (depending upon request).

V. REFERENCES

- A. Reentry/Recovery Planning, Richard W. Donovan, FEMA RX, April 27, 1998.
- B. Letter with American Nuclear Insurers attachment, Richard W. Donovan, FEMA-RX, May 14, 1991.
- C. Recovery Plan Workbook Draft), Argonne National Laboratory, for the Department of Defense, February 10, 1992.